

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Thursday, January 17, 2002 – 9:00 p.m. – Room 403 State Capitol

Members Present:

Sen. David L. Gladwell, Senate Chair
Rep. Glenn L. Way, House Chair
Sen. D. Edgar Allen
Sen. Millie M. Peterson
Sen. Terry R. Spencer
Sen. Michael G. Waddoups
Rep. Patrice M. Arent
Rep. Chad E. Bennion
Rep. Katherine M. Bryson
Rep. Greg J. Curtis
Rep. Scott Daniels
Rep. James A. Ferrin
Rep. Ben C. Ferry

Rep. Neal B. Hendrickson
Rep. Eric Hutchings
Rep. Mike Thompson
Rep. A. Lamont Tyler

Members Absent:

Rep. Ron Bigelow
Rep. David Ure

Staff Present:

Mr. Jerry D. Howe, Research Analyst
Ms. Sandra Maeser, Senate Secretary

Chair Gladwell called the meeting to order at 9:12 a.m.

1. Bills Considered

H.B. 37 “Parent-time Amendments” (J. Ferrin)

Rep. Ferrin introduced the bill, which revises the parent-time sanctions found in the Judicial Code.

MOTION: Rep. Ferrin moved to amend the bill as follows:

1. Page 2, line 33: After “past” delete “felony” and insert “criminal”
2. Page 3, line 72: At the end of line 72, insert a period after “order” and delete “without”
3. Page 3, line 73: Delete line 73.
4. Page 3, line 87: After “importance of” delete “complying with the court order and”

The motion passed unanimously with Sen. Spencer, Sen. Waddoups, Rep. Bennion, Rep. Bigelow, Rep. Bryson, Rep. Curtis, Rep. Hutchings, and Rep. Ure absent for the vote.

Ms. Gayle Ruzicka, Utah Eagle Forum, had a question about line 32 of the bill. Rep. Ferrin stated that he would address that in his summation.

The following spoke in favor of the bill:

Mr. Stewart Ralphs, Utah Domestic Advisory Council
Ms. Lori Nelson, Family Law

Mr. Brent Holdaway, Focus

MOTION: Rep. Arent moved that H.B. 37 be sent to the Third Reading Calendar as amended. The motion passed unanimously, with Sen. Waddoups, Rep. Bennion, Rep. Bigelow, Rep. Curtis, Rep. Hutchings, and Rep. Ure absent for the vote.

H.B. 100 “Criminal Code Definition Amendment” (G. Adair)

Rep. Adair introduced the bill, regarding commercial terrorism and animal rights activists. Ms. Carol Jeppson assisted Rep. Adair in the presentation and passed around several handouts.

The following spoke in favor of the bill:

Mr. Dennis Parker, Owner, Carriage Service
Mr. Wayne Parker, Owner, Western Training and Trail Rides
Mr. Charles Jeppson, Owner, L’Ours Blanc Furs

MOTION: Sen. Peterson moved that the bill be sent to the Third Reading Calendar. The motion passed unanimously, with Rep. Bennion, Rep. Bigelow, Rep. Curtis, Rep. Ferrin, Rep. Hutchings and Rep. Ure absent for the vote.

H.B. 226 “Termination of Parental Rights” (M. Throckmorton)

Rep. Throckmorton introduced the bill and discussed the substitute bill.

MOTION: Sen. Peterson moved to replace the bill with H.B. 226 1st Sub. The motion passed unanimously with Rep. Bennion, Rep. Bigelow, Rep. Curtis, Rep. Hendrickson, Rep. Hutchings, and Rep. Ure absent for the vote.

Mr. Adam Trupp, DCFS and Ms. Kristin Brewer, Director, Guardian Ad Litem, expressed concern regarding the language of the bill.

MOTION: Rep. Way moved to refer H.B. 226 1st Sub. to the Rules Committee with the recommendation that it be assigned to the House Judiciary Standing Committee. The motion passed unanimously with Rep. Bigelow, Rep. Curtis, Rep. Ferrin, and Rep. Ure absent for the vote.

S.B. 106 “Divorce - Children’s Testimony Limited” (T. Spencer)

Sen. Spencer introduced the bill and suggested bringing it back at a later time.

MOTION: Sen. Peterson moved to refer the bill to the Rules Committee with the recommendation that it be assigned to the Senate Judiciary Standing Committee. The motion passed unanimously with Rep. Bigelow, Rep. Ferrin, and Rep. Ure absent for the vote.

H.B. 233 “Mitigation of Damages in Condemnation Proceedings” (G. Curtis)

Rep. Curtis introduced the bill, which modifies provision of the Judicial Code relating to eminent domain. He distributed the fiscal note on the bill.

MOTION: Rep. Way moved to refer the bill to the House Judiciary Standing Committee. The motion passed with Rep. Curtis voting in opposition. Sen. Waddoups, Rep. Bigelow, Rep. Ferrin, Rep. Tyler, and Rep. Ure were absent for the vote.

Rep. Way assumed the chair.

S.B. 103 “Termination of Joint Tenancy in Real Property” (L. Hillyard)

Sen. Gladwell presented the bill for Sen. Hillyard. The language of the bill is to clarify that joint tenancy is severed and is converted to tenancy in common whenever one of the parties conveys the property to himself or to another.

This bill will be held for future action.

MOTION: Rep. Bryson moved to adjourn the meeting. The motion passed unanimously with Sen. Waddoups, Rep. Bigelow, Rep. Ferrin, Rep. Tyler, and Rep. Ure absent for the vote.

Rep. Way adjourned the meeting at 10:51 a.m.

Minutes prepared by Sandra Maeser, Secretary.

